

Public Law 106-138
106th Congress

An Act

To provide for the conveyance of certain National Forest System lands in the
State of South Dakota.

Dec. 7, 1999

[H.R. 2079]

*Be it enacted by the Senate and House of Representatives of
the United States of America in Congress assembled,*

Terry Peak Land
Transfer Act of
1999.

SECTION 1. SHORT TITLE.

This Act may be cited as the “Terry Peak Land Transfer Act
of 1999”.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—Congress finds the following:

(1) Certain National Forest System land located in the Black Hills National Forest in Lawrence County, South Dakota, is currently permitted to the Terry Peak Ski Area by the Secretary of Agriculture pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b).

(2) The National Forest System land comprises only 10 percent of the land at the Ski Area, with the remaining 90 percent located on private land owned by the Ski Area operator.

(3) As the fractional Forest Service land holding at the Ski Area is also encumbered by ski lifts, ski trails, a base lodge parking lot and other privately owned improvements, it serves little purpose in continued public ownership, and can more logically be conveyed to the Ski Area to unify land management and eliminate permitting and other administrative costs to the United States.

(4) The Ski Area is interested in acquiring the land from the United States, but the Secretary does not have administrative authority to convey such land in a nonsimultaneous land exchange absent specific authorization from Congress.

(5) The Black Hills National Forest contains several small inholdings of undeveloped private land with multiple landowners which complicate National Forest land management and which can be acquired by the United States from willing sellers if acquisition funds are made available to the Secretary.

(6) The proceeds from the Terry Peak conveyance can provide a modest, but readily available and flexible, funding source for the Secretary to acquire certain inholdings in the Black Hills National Forest from willing sellers, and given the small and scattered nature of such inholdings, and number of potential sellers involved, can do so more efficiently and quickly than through administrative land exchanges.

(7) It is, therefore, in the public interest to convey the National Forest System land at Terry Peak to the Ski Area

at fair market value and to utilize the proceeds to acquire more desirable lands for addition to the Black Hills National Forest for permanent public use and enjoyment.

(b) **PURPOSE.**—It is the purpose of this Act to require the conveyance of certain National Forest System lands at the Terry Peak Ski Area to the Ski Area and to utilize the proceeds to acquire more desirable lands for the United States for permanent public use and enjoyment.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) The term “Secretary” means the Secretary of Agriculture, unless otherwise specified.

(2) The term “selected land” means land comprising approximately 41.42 acres and generally depicted as Government lots 6 and 11, section 2, township 4 north, range 2 east, Black Hills meridian, on a map entitled “Terry Peak Land Conveyance”, dated March 1999.

(3) The terms “Terry Peak Ski Area” and “Ski Area” mean the Black Hills Chairlift Company, a South Dakota Corporation, or its successors, heirs and assigns.

SEC. 4. LAND CONVEYANCE AND MISCELLANEOUS PROVISIONS.

(a) **CONVEYANCE REQUIRED.**—The Secretary of Agriculture shall convey the selected land to the Terry Peak Ski Area at fair market value, as determined by the Secretary.

(b) **APPRAISAL.**—The value of the selected land shall be determined by the Secretary utilizing nationally recognized appraisal standards, including to the extent appropriate, the Uniform Appraisal Standards For Federal Land Acquisitions (1992), the Uniform Standards of Professional Appraisal Practice, and other applicable law. The costs of the appraisal shall be paid for by the Ski Area.

(c) **COMPLETION OF CONVEYANCE.**—It is the sense of the Congress that the conveyance to the Ski Area required by this Act be consummated no later than 6 months after the date of the enactment of this Act, unless the Secretary and the Ski Area mutually agree to extend the consummation date. Prior to conveying the selected land to the Ski Area, the Secretary shall complete standard pre-disposal analyses and clearances pertaining to threatened and endangered species, cultural and historic resources, wetlands and floodplains, and hazardous materials.

(d) **USE OF PROCEEDS BY THE SECRETARY.**—All monies received by the Secretary pursuant to this Act shall be considered monies received and deposited pursuant to Public Law 90-171 (16 U.S.C. 484a; commonly known as the Sisk Act) and shall be utilized by the Secretary to acquire replacement land from willing sellers for addition to the Black Hills National Forest in South Dakota. Any lands so acquired shall be added to and administered as part of the Black Hills National Forest and, if any such land lies outside the exterior boundaries of the Forest, the Secretary may modify the boundary of the Forest to include such land. Nothing in this section shall be construed to limit the authority of the Secretary to adjust the boundaries of the Forest pursuant to section 11 of the Act of March 1, 1911 (16 U.S.C. 521; commonly known as the Weeks Act).

(e) **CONVEYANCE SUBJECT TO VALID EXISTING RIGHTS, EASEMENTS.**—The conveyance to the Ski Area required by this Act shall

Deadline.

be subject to valid existing rights and to existing easements, rights-of-way, utility lines and any other right, title or interest of record on the selected land as of the date of transfer of the selected land to the Terry Peak Ski Area.

Approved December 7, 1999.

LEGISLATIVE HISTORY—H.R. 2079 (S. 953):

HOUSE REPORTS: No. 106-261 (Comm. on Resources).

SENATE REPORTS: No. 106-129 accompanying S. 953 (Comm. on Energy and Natural Resources).

CONGRESSIONAL RECORD, Vol. 145 (1999):

Sept. 21, considered and passed House.

Nov. 19, considered and passed Senate.